RECEIVED CENTRAL FAX CENTER

FEB 0 7 2005

POSZ & BETHARDS, PLC

ATTORNEYS AT LAW

11250 ROGER BACON DRIVE, SUITE 10 RESTON, VA 20190

DAVID G. POSZ CHARLES W. BETHARDS * JAMES E. BARLOW * BRIAN C. ALTMILLER ROBERT L. SCOTT, II CYNTHIA K. NICHOLSON

SPECIALIZING IN PATENTS, TRADEMARKS & COPYRIGHTS

TEL: (703) 707-9110 FAX: (703) 707-9112 Www.poszlaw.com

" HOT ADMITTED IN VIRGINIA PRACTICE LIMITED TO FEDERAL PATENT, TRADEMARK AND COPYRIGHT MATTERS

FACSIMILE TRANSMISSION

Date: 2/7/2005

Pages: 12 w. cover

To: Examiner

From: Charles W. Bethards

Company:

USPTO, Art Unit 2681

Fax No.:

703-872-9306

Subject:

Response to Office Action: App. Serial No. 10/606,441

(Atty. Dkt. CE10654R/10-163)

Comments:

Applicant(s): Declerk, et al et al

Serial No.: 10/606,441

Filed: June 26, 2003

Title: METHOD AND APPARATUS FOR MITIGATING POWER-CONTROL ERROR DURING A SOFT HANDOFF IN A WIRELESS COMMUNICATION

SYSTEM

Atty. Dkt.; CE10654R/10-163

Group Art Unit: 2681

Examiner:

CERTIFICATE OF FACSIMILE TRANSMISSION

Thereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306 on February 7, 2005 to the attention of AU 2681.

Typed Name: Nancy Bethards

Signature Harrey Bettand

The information contained in this facsimile transmission is intended only for the above-indicated addressee, and may contain privileged and confidential attorney work product or trade secret information. Any dissemination, distribution or copying of any part of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the sender, and return the transmission to the sender at the above-indicated address.

FEB 0 7 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/606,441

Applicants:

Declerck, et al.

Filed:

June 26, 2003

TC/A.U.:

2681

Examiner:

Docket No.:

CE10654R/10-163

Customer No.: 23400

For: METHOD AND APPARATUS FOR MITIGATING POWER-CONTROL ERRORS DURING A SOFT HANDOFF IN A WIRELESS COMMUNICATION

SYSTEM

Date: February 7, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

Kethards

I hereby certify that this correspondence is being faceimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306 on February 7, 2005 to the attention of Art Unit 2681

Typed Name: Nancy Bethards

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents P O Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. **COPIES**

- a.🖂 A legible copy of (i) each U.S. and foreign patents; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b.[_] Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the

PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

U.S. Serial Number

U.S. Filing Date

П.	CONC	ISE EXPLANATION OF THE RELEVANCE (check at least one box)
	a. 🛛	Except as may be indicated below in (b) of this section, all of the patents,
		publications or other information are in the English language (concise
		explanation not required).
	b. 🔲	A concise explanation of the relevance of all patents, publications or other
		information listed that is not in the English language is as follows:
	c. 🗌	The following additional information is provided for the Examiner's consideration:
		consideration.
ш. 🗆	CROS	SS REFERENCE TO RELATED APPLICATION(S)
	The F	Examiner is advised that the following co-pending application(s) contain(s)
	subjec	ct matter that may be related to the present application. By bringing this
	(these	e) applications to the Examiner's attention, Applicant(s) does(do) not waive
	the co	onfidentiality provisions of 35 U.S.C. §122.
	Serial	l No. Filing Date Art Unit
		<u>FEES</u>
IV D	7 THIS	SIDS IS BEING FILED UNDER 37 C.F.R. §1.97(b): (check one box)
14.6	a.□	the stime data of a national application (37 C.H.K.
		\$1.97(b)(1)). No fee or statement is required.
	b.[_]	within three months of the date of entry of the national stage as set forth in §
		1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or
		statement is required.
	с. 🗵	
		§1.97(b)(3)). No fee or statement is required.
	d.[_	In the event that a first Office Action on the merits has been issued, please
		consider this IDS under 37 C.F.R. §1.97(c) and see the statement under 37
		consider this IDS under 37 C.F.R. §1.97(c) and see the statement under 37 C.F.R. §1.97(e) provided below, or if no statement has been made, charge deposit account 50-1147 the fee set forth in 37 C.F.R. §1.17(p).

v. 🖂	THIS	IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c): (check one box)
		the mailing date of either a Final Office Action under 37 C.F.R. §1.113 (See
		F.R. §1.97(c)), or a Notice of Allowance under 37 C.F.R. §1.311 (See 37
		, §1.97(c)).
	a. 🔲	No statement; therefore, charge deposit account 50-1147 the fee set forth in
		37 C.F.R. §1.17(p).
	b. 🛛	See the statement below. No fee is required.
VI.	THIS	IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):
	on or	before payment of the issue fee and is accompanied by the following:
	1)	a statement under 37 C.F.R. §1.97(e) as provided below;
	2)	Applicant(s) hereby a petition for consideration of this information
		disclosure statement; and
	3)	charge deposit account 50-1147 the petition fee set forth in §1.17(i).
VII.	Stater The u	nent under 37 C.F.R. §1.97(e) (check only one box, if applicable) ndersigned hereby states that
	a. 🔲	each item of information contained in the IDS was cited in a
		communication from a foreign Patent Office in a counterpart foreign
		application not more than three months prior to the filing of IDS; or
	b.□	no item of information contained in the IDS was cited in a communication
	_	from a foreign Patent Office in a counterpart foreign application, and to
		knowledge of the person signing the statement after making reasonable
		inquiry, no item of information contained in the IDS was known to any
		individual designated in 37 C.F.R. 1.56(c) more than three months prior to
		the filing of this statement, or
	c. 🔲	some of the items of information contained in the IDS were cited in a
		communication from a foreign Patent Office. As to this information, the
		undersigned states that each item of information contained in the IDS was
		cited in a communication from a foreign Patent Office in a counterpart
		foreign application not more than three months prior to the filing of this
		IDS. As to the remaining information, the undersigned hereby states that no
		item of this remaining information contained in the IDS was cited in a
		communication from a foreign Patent Office in a counterpart foreign
		application or, to the knowledge of the person signing the statement after
		making reasonable inquiry, no item of information contained in the IDS was

known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

VIII. PAYMENT OF FEES ☐ A check in the amount of ______ is enclosed for the above-identified fee(s). ☐ Please charge Deposit Account No. 50-1147 in the amount of \$_____ for the above-indicated fee(s). ☑ If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 50-1147.

Each item of information contained in the IDS was cited in a communication from a foreign Patent Office (PCT International Search Report enclosed) in a counterpart foreign application.

The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person or ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1147.

Respectfully submitted,

Charles W. Bethards Reg. No. 36,453

Posz & Bethards, PLC 11250 Roger Bacon Drive Suite 10 Reston, VA 20190 Phone (703) 707-9110 Fax (703) 707-9112 Customer No. 23400

FEB 0 7 2005

PTO/SB/IBA (08-03)
Approved for use through 07/31/2008, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

	duction Act of 1995, no persons are required to respond to a collection of information unless it contains Complete if Knot			on to have the second or the
Substitute for form 1448/PTO		Application Number	10/608,441	
	CL OCUDE	Filing Date	June 26, 2003	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many shoots as nocessary)		First Named Inventor	Declerck, et al	
		Art Unit		
		Exeminer Name		
Sheet 1 of 1		Attorney Docket Number	CE10654R/10-163	

			U. S. PATEN	DOCUMENTS	
Examiner initials*	Cite No.	Document Number Number-Kind Code ^{2 (Filmount)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Ciled Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
· 	AA	^{US-} 6,097,972	08-01-2000	Saints et al	
	АВ	^{U8-} 5,640,414	08-17-1997	Blakeney, II et al	
	AC	^{US-} 6,185,199 B1	02-06-2001	Zehavi	
	AD	US- 6,757,270 B1	06-29-2004	Kumar et al	
	AE	^{US-} 2002/0093918 A1	07-18-2002	Kim et al	
	AF	US- 2002/0126739 A1	09-12-2002	Tiedemann, JR. et al	
		us-			
		US-			
		US-			
	1	US-			
		US-			
	1	US-			
		US-			
		US-			
	1	us-			
	1	US-			
	\top	US-			
		US-			
	1	US-			

			GN PATENT DOCU	11/2/14/10	L Daniel Columna Linea	
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Dete	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
		Country Code ³ "Number ⁴ "Kind Code ⁸ (# known)	MM-DD-YYYY		Or Relevant Figures Appear	Ľ
						Ļ
						╄
						Ļ
						╄
•						L

ı		 	
١			
ĺ	Examiner	Date	
ı	Signature	Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Oraw line through citation if not in conformance and not considered, include copy of this form with next communication to applicant. Applicant a unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.copy or MPEP 90.10.4. Sender Office that issued the document, by the two-lotter code (WIPO Standard ST.3). For Usptananese patent documents, the indication of the year of the reign of the Emparer must precede the senial number of the patent document. Wind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND

TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY	C. 10%			
To: STEVEN A. MAY	PCT			
1303 EAST ALGONQUIN ROAD SCHAUMBURG, IL 60196	NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION			
IF NO RESPONSE IS NEEDED. 105	(PCT Rule 44.1)			
PLEASE INITIAL ATE TO CAROL	Date of mailing (day/month/year) 2.9 DFC 2004			
Applicant's or pent's file reference	FOR FURTHER ACTION See paragraphs 1 and 4 below			
International application No. PCT/US04/20439	International filing date (day/month/year) 24 June 2004 (24.06.2004)			
Applicant MOTOROLA, INC., A CORPORATION OF THE STATE OF	P DELAWARE			
The applicant is hereby notified that the international and and are transmitted by	search report and the written opinion of the International Searching			
Filing of amendments and statement under Article	19: e claims of the international application (see Rule 46):			
When? The time limit for filing such amendment search report.	is is normally two months from the date of transmittal of the international			
Where? Directly to the International Bureau of W 1211 Geneva 20, Switzerland, Facsimile	/IPO, 34 chemin des Colombettes No.: +41 22 740 14 35			
and the state of t	the accompanying sheet.			
2. The applicant is hereby notified that no international	search report will be established and that the declaration under of the International Searching Authority are transmitted berswith.			
average and to the contest against payment of (an)	additional fee(s) under Rule 40.2, the appaream is mounted that			
The factor of th	as been transmitted to the International Bureau together with the the protest and the decision thereon to the designated Offices.			
no decision has been made yet on the protest; (he applicant will be notified as soon as a decision is made.			
Bureau. If the applicant wishes to avoid or postpone painting originity claim, must reach the International Bureau as provi	date, the international application will be published by the International cation, a notice of withdrawal of the international application, or of the ided in Rules 90bis.1 and 90bis.3, respectively, before the completion of			
The applicant may submit comments on an informal basis International Bureau. The International Bureau will send a preliminary examination report has been or is to be established.	s on the written opinion of the International Searching Authority to the copy of such comments to all designated Offices unless an international thed. These comments would also be made available to the public but not			
before the expiration of 30 morals from the priority date, but only in respect of some designated Offices, a demand for international preliminary Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the rational phase until 30 months from the priority date, perform the prescribed				
date (in some Offices even later), other without designated Offices. acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of 36 months (or later) will apply even if no demand is filed within 19				
months. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's				
Gride, Volume II, National Chapters and the Wire Inter-	ert site.			
Name and mailing address of the ISA/ US Mail Stop PCT, Atm: ISA/US Commissioner for Patents P.O. Box 1450	Edan Orgad			
Alexandria, Virginia 22313-1430 Facsimile No. (703) 305-3230	Telephone No. 703-305-4223 (See notes on accompanying sheet			
Porm PCT/ISA/220 (January 2004)				

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's o CE10654R	r agent's file reference	FOR FURTHER ACTION		cation of Transmittal of International Scarch form PCT/ISA/220) as well as, where applicable, low.			
International PCT/US04/2	application No. 0439	International filing date (day/mon 24 June 2004 (24.06.2004)	th/year)	(Esrliest) Priority Date (day/month/year) 26 June 2003 (26.06.2003)			
Applicant MOTOROLA	pplicant IOTOROLA, INC., A CORPORATION OF THE STATE OF DELAWARE						
applicant ac	cording to Article 18. A co	opy is being transmitted to the Int	ernational 				
٠. ٩	anguage in which it was filed	, unless otherwise indicated under	this item.	e basis of the international application in the			
6. Y	Authority (Rule 23.1(b)). With regard to any mucleotide tearch was carried out on the	e and/or amino acid sequence disc basis of the sequence listing:		ne International application, the international			
		al application in written form.	. d. 1. V	_			
	= "	national application in computer re his Authority in written form.	adapie ion	n.			
		his Authority in computer readable	form.				
	-			es not go beyond the disclosure in the			
	international application as	filed has been furnished.					
	the statement that the information furnished.	mation recorded in computer readal	ble form is	identical to the written sequence listing has			
2.	Certain claims were found	d nnsearchable (See Box I).					
3.	Unity of invention is lacki	ing (See Box II).		•			
4. With t	egard to the title,						
	the text is approved as sub-	mmen by the applicant. In this Authority to read as follows:					
	ing text use open estrolland	w vy mie Announy w rose as will					
5. With	regard to the abstract,						
	the text is approved as sub						
	the text has been established may, within one month fro	ed, according to Rule 38.2(b), by the on the date of mailing of this interna-	is Authori ational sea	ty as it appears in Box III. The applicant rch report, submit comments to this Authority.			
6. The fi	gure of the drawings to be p	ublished with the abstract is Figure	No. 7				
	as suggested by the applica	ant.		None of the figures			
	because the applicant faile	d to suggest a figure.					
	because this figure better (characterizes the invention.					
Fee Post (PAMIO (See sheet) (July 100	8)	 				

		International application 140.	
	INTERNATIONAL SEARCH REPORT		
	HAIDEGAME .	PCT/US04/20439	
- A C.	IFICATION OF SUBJECT MATTER		
• •	: H04B 7/00; H04Q 7/00		
IPC(7)	: 455/436, 442, 522		
US CL	: 453/450, 472, 522	od IPC	
According to It	: 455/436, 442, 522 permational Patent Classification (IPC) or to both national classification a		
	S SEARCHED mentation searched (classification system followed by classification sym	ALLS)	A 4. 55"
Minimum cocc	1/436, 442, 522		
	n searched other than minimum documentation to the extent that such doc	ments are included in the fields searched	
	accepted other than minimum documentation to the extent that such doc	ATTIMETES ATC DICTORD	
Documentation	a searched outer and management		
	•		
		· · · · · · · · · · · · · · · · · · ·	
	a base consulted during the international search (name of data base and,	where practicable, search terms well	
Flectronic dat	2 base consulted during the mile manufact scarces (and the		
}			
1	TO ME DOLL VILLET		
C. DOCI	IMENTS CONSIDERED TO BE RELEVANT	levent passages Relevant to claim No.	
	Citation of document, with indication, where appropriate, of the re	terion 237 report. 1, 5 and 9	
Category *	Citation of document, with indication, where appropriated of US006185199 B1 (ZEHAVI) 06 February 2001, see detailed written of	mion 21 report	
x	Namorea by (pping) of	2-4, 6-8 and 10	
\ \		2-4, 0-5 mm 1-5	
A .		/	
\	US006097972 A (SAAINTS et al) 01 August 2000, see entire document	1, 5 and 9	
l x	US006097972 A (SAAINTS et al) UI August 2000, 500 till		
1 =		2-4, 6-8 and 10	
<u> </u>		v ·	
^	and and a life	21-col. 4. line 24s/ 1, 5 and 9	
۱	US 5,640,414 A (BLACKENEY, II et al) 17 June 1997, see col. 3, lir	6 21- 601. 4, 11115 - 14	
Y	033,040,41414(0====	ne maragraphs 20-26v 1, 5 and 9	
1	US 20020126739 A1 (TIEDEMANN, JR. et al) 12 September 2002, a	ee paragrapus 20-204	
Y	US 20020120137 AT (1-2-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	1,5 and 9	
4	US 20020093918 A1 (KIM et al) 18 July 2002, see entire document.	1,5 2.50	
Y	US 20020093918 A1 (Killer et al.) 10 3-7	1, 5 and 9	
	US006757270B1 (KUMAR et al) 29 June 2004, see entire document.	1, 3 200 9	
X.P	US006757270B1 (KUMAR et al) 25 June 2001		•
		,	
`		1	
1		1 3	
- {			
	ner documents are listed in the continuation of Box C. See particles are listed in the continuation of Box C.	tent family annex,	
Purth	ner documents are listed in the continues of the Tollage de	ocument published after the international filing date or priority	
ļ . 	to the decements.	THE PARTIES OF THE PROPERTY OF SERVICE AND ADDRESS OF THE PROPERTY OF THE PROP	
1	the terror completed to be of	to or theory underlying the invention	
A docum	sent dofining the general state of the art which is not considered to be of princip sent defining the general state of the art which is not considered to be of "X" docum	ers of particular relevance; the claimed invention carnot be	
l nertica	TRE LEGALITY	ered mosts) Or CERROL DE CRIMINATA DE MANAGEMENTO	
-E- cartier	subjection or before hypping on or start me metaporer (and annual	the document is taken store	
	a color of the land of our state in the COM SO	em of particular relavance; the claimed invention cannot be	
"L" docum	ners which may throw doubts on prioring clauses, or which may throw doubts on prioring clauses, or which the publication date of another clastics or other special reason (as contained the publication date of another clastics or other special reason (as contained the publication date of another clastics).	ent of particular resevence; as exp when the document is combined ared to involve an inventive step when the document is combined	
specia		more other circli disculpting basis commission of	
700	A Section of the exhibition or other gream	s to a person skilled in the art	
-O. quen	ment referring to an ordi discussion, was a second law from the "&" document	nent member of the same patent family	
dam	ment published prior to the international filing date but later than the "&" docu		
"P" docu	by date claimed	and a least sectional search report	
	Date of mailin	of the international search report	
Date of the	ne actual completion of the international search 29 DE	2004	
12 Decer	mber 2004 (12.12.2004) Authorized of		
Name an	d mailing address of the ISA/US Mell Stop PCT. Attn: ISA/US Redan Organ	me me lucy	
	Mell Ston PCT, Atin: 13A/US	/* / / / /	
1	Commissioner for Parents RO Box 1450 Telephone No.	v/703-305-4225	
.	P.O. Box 1450 Alexandria, Virginia 22313-1450	/	
Ì	e No. (703) 305-3230		
Facsumi	and MIC (consent shoot) (July 1998)		
Porm PC	I/ISA/210 (second sheet) (July 1998)		

PATENT COOPERATION TREATY

INTERNATIONAL SEARCHING AUTHORITY	_	- #°
To: STEVEN A. MAY 1303 BAST ALGONQUIN ROAD SCHAUMBURG, IL 60196		PCT
SCHAUMBURG, IL 60190		ITTEN OPINION OF THE ONAL SEARCHING AUTHORITY
		(PCT Rule 43bis.1)
	Date of mailing (day/month/year) FOR FURTHER	2 9 DEC 2004
Applicant's or agent's file reference	FOR FURTHER	ACTION See paragraph 2 below
CE10654R		
International application No. International filing da	o (day/month/year)	Priority date (day/month/year)
PCT/US04/20439 24 June 2004 (24.06.: International Patent Classification (IPC) or both national classifi	2004) cation and IPC	26 June 2003 (26.06.2003)
IPC(7): H04B 7/00; H04Q 7/00 and US Cl.: 455/436, 442, 522	. •	
Applicant		
MOTOROLA, INC., A CORPORATION OF THE STATE OF	DELAWARE	
1. This opinion contains indications relating to the following it	erns:	·
Box No. I Basis of the opinion		
Box No. II Priority	•	·
Box No. III Non-establishment of opinion with	regard to novelty, inve	entive step and industrial applicability
Box No. IV Lack of unity of invention		
Box No. V Reasoned statement under Rule 436 applicability; citations and explanat		to novelty, inventive step or industrial stement
Box No. VI Certain documents cited		
Box No. VII Certain defects in the international	application	
Box No. VIII Certain observations on the internal	ional application	
2. FURTHER ACTION		
If a demand for international preliminary examination is m International Preliminary Examining Authority ("IPEA") Authority other than this one to be the IPEA and the chose that written opinions of this International Searching Authori	except that this does IPEA has notified the	not apply where the applicant chooses an e international Bureau under Rule 66.1bis(b)
If this opinion is, as provided above, considered to be a will IPEA a written reply together, where appropriate, with a mailing of Form PCT/ISA/220 or before the expiration of 2 For further options, see Form PCT/ISA/220.	mendments, before th	e expiration of 3 months from the date of
3. For further details, see notes to Form PCT/ISA/220.		
Name and mailing address of the ISA/ US Mail Stop PCT, Ann: ISA/US	Authorized officer	1 CHILL
Commissioner for Patents	Edan Orgad	you goe for
P.O. Box 1450 Alexandria, Virginia 22313-1450	Telephone No. 7	ng-305-4223
Facsimile No. (703) 305-3230 Form PCT/ISA/237 (cover sheet) (January 2004)		<u>/</u>

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

	INTERNATIONAL SEARCHING AUTHORITY	.PCT/US04/20439
Box N	No. I Basis of this opinion	ELAGE
1. With it wa	regard to the language, this opinion has been established on the basis sfiled, unless otherwise indicated under this item.	s of the international application in the language in which
	This opinion has been established on the basis of a translation from , which is the language of a translation furnished for the 23.1(b)).	the original language into the following language purposes of international search (under Rules 12.3 and
2. With claim	regard to any nucleotide and/or amino acid sequence disclosed and invention, this opinion has been established on the basis of:	in the international application and necessary to the
a .	type of material	
	a sequence listing	
	table(s) related to the sequence listing	
ъ.	format of material	
	in written format	
	in computer readable form	
c.	time of filing/furnishing	
	contained in international application as filed.	
	filed together with the international application in computer re	adable form.
	furnished subsequently to this Authority for the purposes of sea	arch.
3.	In addition, in the case that more than one version or copy of a se filed or furnished, the required statements that the information in the the application as filed or does not go beyond the application as filed	RUNGOULERS OF additional comies is idealed to that !-
4. Additi	ional comments:	
		ĺ
		i
		·
		· .

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/US04/20439

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1. Statement					
Novelty (N)	Claims 2-4, 6-8 and 10 Claims 1, 5 and 9	YES NO			
Inventive step (IS)	Claims 2-4, 6-8 and 10 Claims 1, 5 and 9	YES			
Industrial applicability (IA)	Claims 1-10 Claims NONE	YES			

2. Citations and explanations:

Claims 1, 5 and 9 novelty under PCT Article 33(2) as being anticipated by Zehavi (US 6,185,199).

Regarding claim 1. Zehavi teaches a method in a wireless communication system for mitigating powercontrol errors during a soft handoff of a mobile unit, the method comprising: programming a plurality of base stations with a uniform power-control bit pattern to be sent to the mobile unit during a plurality of power-control bit times, before the mobile unit is acquired on a reverse link (col. 3, lines 1-14); and timing transmissions of the uniform power-control bit pattern such that the plurality of base stations, when transmitting, send identical power-control bits during each of the plurality of power-control bit times (col. 12, lines 49-63).

Regarding claim 5 and 9, Zehavi teaches an apparatus for use in a wireless communication system for mitigating powercontrol errors during a soft handoff of a mobile unit, the apparatus for use with a base station of a plurality of base stations attempting to communicate with the mobile unit, the apparatus comprising: a processor for controlling the base station (col. 3, lines 1-14), a memory element coupled to the processor for programming the processor, the memory element comprising a uniform powercontrol bit pattern to be sent by different ones of the plurality of base stations to the mobile unit during a plurality of power-control bit times, before the mobile unit is acquired on a reverse link (col. 12, lines 49-63); and a synchronizer coupled to the processor for cooperating with the processor to time transmissions of the uniform power-control bit pattern such that the plurality of base stations, when transmitting, send identical power-control bits during each of the plurality of power-control bit times (col. 6, line 66, col. 7,

Claims 2 and 6 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest wherein programming the plurality of base stations with the uniform power-control bit pattern comprises programming a pattern that requires more than a single transmission frame of a forward link from a base station to the mobile unit before the pattern repeats, and wherein timing the transmissions comprises synchronizing the transmissions from each of the plurality of base stations such that the transmissions start at substantially identical times.

Claims 3, 7 and 10 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest wherein programming the plurality of base stations with the uniform power-control bit pattern comprises programming a pattern that repeats after a single one of a plurality of transmission frames of a forward link from the base station to the mobile unit, and wherein timing the transmissions comprises starting the transmissions at substantially identical points within different ones of the plurality of

Claims 4 and 8 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest wherein the uniform power-control bit pattern is a pattern that repeats after a single one of a piurality of transmission frames of a forward link from the base station to the mobile unit, and wherein the synchronizer is arranged and programmed such that the transmissions of the uniform power-control bit pattern from the plurality of base stations start at substantially identical points within different ones of the plurality of transmission frames.

Form PCT/ISA/237 (Box No. V) (January 2004)